

House Bill 1017

By: Representatives Drenner of the 86th, Forster of the 3rd, Oliver of the 83rd, Ashe of the 56th, Benfield of the 85th, and others

A BILL TO BE ENTITLED

AN ACT

To amend Subpart 2 of Part 1 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, the compulsory school attendance law, so as to provide that a minor between the ages of 16 and 18 may not withdraw from enrollment in school without the permission of his or her parent or guardian; to provide for a withdrawal conference; to require the completion and submission of a withdrawal from enrollment form; to provide for a publication delineating earning potential and financial self-sufficiency risks; to provide for printed materials and website access to materials designed to inform students and their parents and guardians of resources for various types of assistance and to track statistics relating to the withdrawal from enrollment by minors; to provide for construction; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Subpart 2 of Part 1 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, the compulsory school attendance law, is amended by striking Code Section 20-2-690.1, relating to mandatory education for children between ages six and 16, and inserting in lieu thereof the following:

"20-2-690.1.

(a)(1) Every parent, guardian, or other person residing within this state having control or charge of any child or children between their sixth and sixteenth birthdays shall enroll and send such child or children to a public school, a private school, or a home study program that meets the requirements for a public school, a private school, or a home study program; and such child shall be responsible for enrolling in and attending a public school, a private school, or a home study program that meets the requirements for a public school, a private school, or a home study program under such penalty for noncompliance with this

subsection as is provided in Chapter 11 of Title 15, unless the child's failure to enroll and attend is caused by the child's parent, guardian, or other person, in which case the parent, guardian, or other person alone shall be responsible; provided, however, that tests and physical exams for military service and the National Guard and such other approved absences shall be excused absences. The requirements of this subsection shall apply to a child between his or her seventh and sixteenth birthdays who has been assigned by a local board of education or its delegate to attend an alternative public school program established by that local board of education, including an alternative public school program provided for in Code Section 20-2-154.1, regardless of whether such child has been suspended or expelled from another public school program by that local board of education or its delegate, and to the parent, guardian, or other person residing in this state who has control or charge of such child. Nothing in this Code section shall be construed to require a local board of education or its delegate to assign a child to attend an alternative public school program rather than suspending or expelling the child.

(b)(2) Any parent, guardian, or other person residing in this state who has control or charge of a child or children and who shall violate this ~~Code section~~ subsection shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine not less than \$25.00 and not greater than \$100.00, imprisonment not to exceed 30 days, community service, or any combination of such penalties, at the discretion of the court having jurisdiction. Each day's absence from school in violation of this part after the child's school system notifies the parent, guardian, or other person who has control or charge of a child of five unexcused days of absence for a child shall constitute a separate offense. After two reasonable attempts to notify the parent, guardian, or other person who has control or charge of a child of five unexcused days of absence without response, the school system shall send a notice to such parent, guardian, or other person by certified mail, return receipt requested. Public schools shall provide to the parent, guardian, or other person having control or charge of each child enrolled in public school a written summary of possible consequences and penalties for failing to comply with compulsory attendance under this ~~Code section~~ subsection for children and their parents, guardians, or other persons having control or charge of children. The parent, guardian, or other person who has control or charge of a child or children shall sign a statement indicating receipt of such written statement of possible consequences and penalties; children who are age ten years or older by September 1 shall sign a statement indicating receipt of such written statement of possible consequences and penalties. After two reasonable attempts by the school to secure such signature or signatures, the school shall be considered to be in compliance with this subsection if it sends a copy of the statement, via certified mail, return receipt requested,

1 to such parent, guardian, other person who has control or charge of a child, or children.
2 Public schools shall retain signed copies of statements through the end of the school year.
3 ~~(c)~~(3) Local school superintendents in the case of private schools or home study programs
4 and visiting teachers and attendance officers in the case of public schools shall have
5 authority and it shall be their duty to file proceedings in court to enforce this subpart.

6 (b)(1) No minor between his or her sixteenth and eighteenth birthday may terminate his
7 or her education by withdrawing from school without the prior written permission of his
8 or her parent or guardian. Such minor shall submit a written and dated letter of intent to
9 withdraw from his or her parent or guardian to his or her school guidance counselor. The
10 guidance counselor shall schedule a withdrawal conference of at least 30 minutes in
11 duration at a reasonable time to be held no later than three weeks after receipt of the letter
12 of intent to withdraw. The school shall give at least ten days' notice of the withdrawal
13 conference by certified mail, return receipt requested, to the parent or guardian. The minor,
14 the parent or guardian, and the guidance counselor shall attend the withdrawal conference.
15 The purpose of the withdrawal conference shall be to determine the minor's future work
16 and education plans, to identify the reason or reasons for the withdrawal request, and to
17 undertake problem solving to encourage the minor to continue his or her enrollment in
18 school for the purposes of graduation. After completion of the withdrawal conference, in
19 the event that the minor and his or her parent or guardian decline to rescind the intent to
20 withdraw, the parent or guardian shall complete a withdrawal from enrollment form
21 provided by the guidance counselor. The withdrawal from enrollment form shall include,
22 at a minimum, the reason or reasons for the intended withdrawal, the date of the form, and
23 the signatures of the minor, the parent or guardian, and the guidance counselor. The
24 minor's withdrawal from enrollment shall be effective ten business days following the
25 completion and submission of the withdrawal from enrollment form.

26 (2) No withdrawal from enrollment pursuant to this subsection shall be finalized until the
27 minor and his or her parent or guardian have received a publication prepared by the
28 department of education delineating:

29 (A) The particular risks to financial self-sufficiency associated with withdrawal from
30 enrollment in school prior to graduation;

31 (B) The probable earning potential for high school dropouts within the county in which
32 the minor resides; and

33 (C) The earning potential for high school graduates and graduates of colleges,
34 universities, and technical schools within this state.

35 Such publication shall be provided by the school to a minor desiring to withdraw from
36 school during the withdrawal conference required pursuant to paragraph (1) of this

subsection. The withdrawal conference shall include the opportunity of the guidance counselor to ask questions of the minor and of the minor to ask questions of the guidance counselor. Nothing in this paragraph shall be construed to preclude the provision of the publication in a language understood by the minor and his or her parent or guardian.

(3) No later than 90 days after the effective date of this subsection, the Department of Education shall cause to be published in English and in each language which is the primary language of 2 percent or more of the state's population and shall cause to be available on the department's website the following printed materials in such a way as to ensure that the information is easily accessible and comprehensible:

(A) Geographically indexed materials designed to inform the student and his or her parent or guardian of private and public services to assist with continued schooling and tutoring needs, financial assistance and tutoring to assist with the completion of the general educational development (GED) diploma, and financial assistance and mentoring to assist with application and entrance to technical schools; and

(B) The number of students in each local school system for each calendar month who:

(i) Have submitted a signed and dated parental letter of intent to withdraw;

(ii) Have attended a withdrawal conference;

(iii) Have rescinded their intent to withdraw following a withdrawal conference;

(iv) Have taken a general educational development (GED) diploma test; and

(v) Have passed the general educational development (GED) diploma test.

Nothing in this paragraph shall be construed to preclude the voluntary or required submission of other reports or forms regarding withdrawal from enrollment or student drop out prevention."

SECTION 2.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.